IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 20880 of 2004

Between:

1. Vijayanagar Colony Welfare Association

(Reg.No.117/1962), rep.by its Secretary,

C.M. Sundarshanrao, r/o.10-3-566/11, V.N.colony,

Hyderabad-500 057.

..... PETITIONER

AND

1. Andhra Pradesh Housing Board, M.J.Road,

Gruhakalpa, Hyderabad, rep.by Vice Chairman.

2. Principal Secretary (Municipal Administration),

Government of AP, Secretariat, Hyderabad.

3. Deputy Executive Engineer (Lands),

Andhra Pradesh Housing Board, Gruhakalpa,

M.J. Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records in respect of the notice No.8614/JV/65 of the office of the Andhra Pradesh Housing Board, Hyderabad, dated 25.10.2004, the first respondent herein and issue a writ of mandamus or any other appropriate writ or direction the nature of

mandamus declaring the action of first respondent in issuing aforesaid notice dated 25.10.2004 as illegal, arbitrary and unconstitutional and also issue consequential directions to the second respondent, Principal Secretary, Housing and Municipal Administration, Government of Andhra Pradesh, Secretariat, Hyderabad, to issue necessary orders for sale of the land of 199.77 Sq.Yards situated in Vijayanagar colony, Hyderabad to Vijayanagar Welfare Association, Vijayanagar Colony, Hyderabad, the petitioner herein in pursuance of the resolutions passed by the Andhra Pradesh Housing Board, Hyderabad, in the year 2002 the first respondent herein.

Counsel for the Petitioner: MS.T.BALA JAYASRI

Counsel for the Respondent Nos.1&3: MR.J. PRABHAKAR SC FOR APHB.

Counsel for the Respondent No.2 : G.P. FOR HOUSING & MUNICIPAL ADMINISTRATION

The Court at the stage of admission made the following

ORDER:

Admittedly, the lease in favour of the petitioner-Association was expired on 15.8.1994 and the same has not been extended. In view of the same, through the impugned notice dated 25.10.2004 the first respondent called upon the petitioner-Association to vacate the premises and handover the possession of the same to the Deputy Executive Engineer (Lands) within 15 days from the date of receipt of notice, failing which, action will be taken by referring the case before the competent authority under Sections 52 and 53 of the A.P. Housing Board Act without any further notice.

If the petitioner-Association, as claimed by it, is entitled to get the land by virtue of recommendations of the first respondent by way of sale in their favour, the proper remedy for the petitioner is to move the Tribunal constituted under the A.P. Housing Board Act to resolve the dispute between the petitioner and the respondents, if any, or in the alternatively, in the proceedings issued under Section 52 of the said Act, it can defend the same by taking all the grounds now raised in the writ petition. Hence, in view of the alternative remedies available, the writ petition cannot be entertained.

Accordingly, the writ petition is dismissed granting liberty to the petitioner to avail such of the remedies available to it under the law. No costs.

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A. GOPAL REDDY. J

11th November, 2004

Note: Issue C.C. today.

(B/o)

tsr.

To

1. The Vice Chairman,

Andhra Pradesh Housing Board, M.J.Road,

Gruhakalpa, Hyderabad.

2. The Principal Secretary (Municipal Administration),

Government of AP, Secretariat, Hyderabad.

3. The Deputy Executive Engineer (Lands),

Andhra Pradesh Housing Board, Gruhakalpa,

M.J. Road, Hyderabad.

4. Two CCs to G.P. for Housing& Municipal Administration, High Court Buildings, Hyderabad (OUT).

5. Two CD copies